

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ELIJAH R. WILLIAMS	:	CIVIL ACTION
<i>Plaintiff</i>	:	
	:	
v.	:	NO. 23-CV-3945
	:	
ANTHONY CASO, et al.,	:	
<i>Defendants</i>	:	

O R D E R

AND NOW, this 16th day of December 2024, upon consideration of Defendant Anthony Caso's *Motion to Dismiss*, (ECF No. 17), Plaintiff Elijah R. Williams's "Motion" in Opposition, construed as a Response (ECF No. 28), Caso's Reply (ECF No. 34), Defendant B. Bonita Martin's *Motion to Dismiss*, (ECF No. 32), and Williams's "Motion" in Opposition, construed as a Response (ECF No. 37), it is hereby **ORDERED** that:

1. Caso's Motion to dismiss is **DENIED** for the reasons set forth in the Court's accompanying Memorandum. Caso shall file a responsive pleading in accordance with Federal Rule of Civil Procedure 12(a)(4).
2. Martin's Motion is **GRANTED** for the reasons set forth in the Court's accompanying Memorandum.
3. The claims against B. Bonita Martin are **DISMISSED, without prejudice**, to Williams filing an amended complaint as set forth in paragraph four (4) of this Order.
4. The Clerk of Court is **DIRECTED** to amend the docket to reflect that Williams's submissions, (ECF Nos. 28 and 37), are Responses, and to terminate those submissions as motions.
5. Williams may file an amended complaint within thirty (30) days of the date of this Order. Any amended complaint must identify all defendants in the caption of the amended

complaint in addition to identifying them in the body of the amended complaint and shall state the basis for Williams's claims against each defendant. The amended complaint shall be a complete document that does not rely on the initial Complaint or other papers filed in this case to state a claim. **In other words, if he files an amended complaint Williams must fully include the claims against Defendant Caso and reallege all facts in support of those claims or those claims may be deemed to be waived, as well as any claim he seeks to assert against Defendant Martin.** When drafting his amended complaint, Williams should be mindful of the Court's reasons for dismissing the claims against B. Bonita Martin in his initial Complaint as explained in the Court's Memorandum.

6. The Clerk of Court is **DIRECTED** to send Williams a blank copy of this Court's current standard form to be used by a self-represented litigant filing a civil action bearing the above-captioned civil action number. Williams may use this form to file his amended complaint if he chooses to do so.¹ The Clerk of Court is further **DIRECTED** to send Williams a copy of his Complaint (ECF No. 2) for his reference in drafting any amended complaint.

7. If Williams does not wish to amend his Complaint and instead intends to proceed on his Complaint against Defendant Caso as originally pled, he may file a notice with the Court within thirty (30) days of the date of this Order stating that intent, and this case will proceed **only** on his claims against Defendant Caso.

8. If Williams fails to file any response to this Order, the Court will conclude that Williams intends to proceed against Defendant Caso **only**.

BY THE COURT:

/s/ Nitzia I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ This form is available on the Court's website at
<http://www.paed.uscourts.gov/documents/forms/frmcgenf.pdf>.

